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Digest of the Constitution and By-Laws of Huron College

PREFACE

The following digest was drawn up to serve as a guide to those points in the constitution and by-laws of Huron College to which frequent reference is necessary.

The original documents are long and somewhat inaccessible. The numerical references are to the following:—

1st—The Constitution and By-laws of Huron College with the Act of Incorporation printed in 1866 containing constitution, rules, regulations and by-laws and the Act of Incorporation dated May 5th, 1863. Only two copies of this edition are now known to exist.

2nd—Constitution, etc., printed in 1893, containing the amended constitution, the Deed of Endowment of the Peache Chair, synopsis of the Act of Incorporation ended January, 1869, and again in April, 1890, and the Statute of Affiliation of Huron College with the University of Toronto, dated September 30th, 1892.

3rd—The Act passed in 1906 giving the Synod of Huron representation on the Council and changing the method of choosing the Principal so that he becomes virtually a nominee of the College Council.

The By-laws have been gathered also from the proceedings of the Council during the past forty-six years, or are based on existing practices.

LIST OF ACTS AND AMENDING ACTS AFFECTING HURON COLLEGE

1. Act of Incorporation. Statutes of Canada -26 Victoria, Chapter XXXI, 1863.

2. First Amending Act. Statutes of Ontario—32 Victoria, Chapter LII, 23rd January, 1869 unites the offices of Principal and Divinity Professor in one, and deprives the Corporation of the power to separate them.

3. Second Amending Act. Statutes of Ontario, 53 Victoria, Chapter CXLI, 7th April, 1890, confirms and authorizes investment of funds in Government securities, mortgages of real estate, municipal debentures, the stocks of any chartered bank or permanent building society, or any loan company, etc.

4. Third Amending Act. Statutes of Ontario, 6 Edward VII, 1906.

5. Statute 277, provides for affiliation of Huron College with University of Toronto, September 30th, 1892.

6. Bill 6, Edward VII, 1906.

DIGEST OF CONSTITUTION AND BY-LAWS OF HURON COLLEGE

Numbers refer to paragraphs of Indenture.

3. The objects for which the institution is established are:—

Firstly, to provide instruction for candidates for Holy Orders in the United Church of England and Ireland, so as to fit them for the work of the ministry; Secondly, to provide instruction in the higher branches of education, such as usually appertains to a Collegiate course, for such students or pupils as may be desirous of entering the Institution; Thirdly, to combine with these primary objects such kindred efforts, including a preparatory Collegiate School, and hereafter may be found desirable and expedient; Fourthly, and generally to perform such acts, matters and things as are incidental or otherwise conducive to the attainment of the before mentioned objects, or any of them.

4. The teaching and government of the said Institution shall always be strictly Protestant and Evangelical, in conformity with the doctrines of the United Church of England and Ireland, as expressed in the thirty-nine articles as now by law established, interpreted according to the plain and natural meaning thereof.

5. The government of the Institution shall be vested in the Council, consisting of not less than five, nor more than sixteen members, exclusive of the Bishop of the Diocese of Huron for the time being, and the Principal of the College for the time being, each of whom shall be a member of the College Council, ex-officio.

17. The Council shall have the entire management of all the general affairs and concerns of the Institution, including the appointment of the Principal, Lecturers, Professors and Tutors, and including also the appointment of the Treasurer, Secretary

and Solicitor, for the time being, of the Institution, and also of all inferior officers and servants (excepting these mentioned in the twenty-ninth clause of these presents) in connection with the business concerns thereof, the regulation and payment out of the funds of the Institution of such salaries and wages as may be necessary, and may remove at pleasure any such officials other than the Principal and the Divinity Professor; and for the better guidance of the Council in its management and superintendence over the business affairs and concerns of the Institution, it shall be lawful for the Council to make whatever Rules and By-laws it shall think proper, provided the same shall not be inconsistent with, or repugnant to, any special provision in or the true intent and spirit of these presents and at any time by rule or by-law duly made to alter or repeal all or any of the rules and by-laws which shall be made, but no rule or by-law shall be considered as duly made unless the same shall have been read, approved of and confirmed at two successive and distinct meetings of the Council, held at intervals of at least seven days between each meeting.

METHOD OF ELECTION OF THE COUNCIL, WHICH SHALL BE ONE-HALF CLERGY AND ONE-HALF LAITY. Bill 6, Edward VII, 1906.

The following clause provides for the continuance of the body originally formed by Dr. Peache.

1. "The present members of the Council shall continue in office and when, by death or otherwise, their number shall have been reduced below eight, (exclusive of the Bishop and the Principal, also of the Synod members) then and in such case and so often as the same shall happen the remaining members of the Council (other than the Synod members) shall, as soon as convenient, at a meeting to be holden separately for that purpose, (of which notice shall be given in such manner as shall be provided by by-laws) elect one or more fit and proper person or persons to be a member or members of the Council, in addition to the remaining members thereof, in the place and stead of those who have ceased to be such members, having regard in such election to the provision hereinbefore contained as to the relative proportion of clergy and laity in the said Council, to the end that, by means of such election the number of sixteen members of the Council may be completed, inclusive of the Synod members, but exclusive of the Bishop of the Diocese and the Principal of the College.

From and after the period at which the Council shall have reduced in manner aforesaid to the number of sixteen, the said Council shall consist of not less than five or more than sixteen members, exclusive of the Bishop and Principal. The remainder of the Council (other than co-opted members and the Bishop and the Principal) shall be elected by the said Council Synod at its annual meeting."

The clause providing for the election of Synod members is as follows:—

"The Synod members shall consist of four clergymen and four laymen who shall be members of the said Synod at the time of their election.

"The date of the termination of the official year, on which the periods of office of the Synod members shall respectively terminate shall be the first day of June; retiring members shall be eligible for re-election."

For the purpose of filling vacancies in the numbers of the Synod members, the Synod shall, at its annual meeting, in each successive year subsequent to the first election of the Synod members, elect two new members of the Council, in the place and stead of the two Synod members whose term of office has expired by lapse of time, one of such members being a clergyman and one a layman, and both being members of the Synod at the time of their election, and such two new members shall respectively hold office for the term of four years. The said Synod shall at the same time fill all such vacancies as shall have occurred in the numbers of the Synod members by death, resignation or otherwise than by lapse of time, by the election of the necessary numbers of additional new members, who shall be members of the Synod at the time of their election. Such additional members shall be elected respectively for terms of office equivalent to the unexpired terms of the respective members whose places they are elected to fill; and in such elections regard shall be had to the provision hereinbefore contained as to the relative proportion of clergy and laity in the said Council.

2. No person shall be elected or appointed or shall remain a member of the Council who shall not be a strictly Protestant and Evangelical member of the Church of England in Canada, holding the doctrines and principles expressed in the thirty-nine articles as now by law established, interpreted according to the plain and natural meaning thereof.

3. Nor shall any member of the Council be allowed to act as such until he shall have assented and subscribed to the constitution declared by the first above mentioned indenture, and in the event of his neglect or refusal to so assent and subscribe, his nomination, election and appointment as such member shall thenceforth become null and void.

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THE PEACHE CHAIR—Historical Note

The Rev. Alfred Peache, on the 4th May, 1863, gave Five Thousand Pounds, the revenue from which was to pay the salary of the Principal of Huron College who should be the Professor of Divinity in the said College. The gift was conditional on the right of appointment to the said office being in the hands of Mr. Peache and his co-trustees who have, since about the year 1900, been the Colonial and Continental Church Society. The indenture is part of the act of the incorporation of the College.

The deed of endowment of the Peache Chair is amended by the new Act but only in so far as the new Act specifies.

The following are the new provisions, which chiefly affect clauses 6 to 12 of the old Deed:—

"Upon the vacation from time to time of "The Peache Chair" referred to in the indenture secondly above referred to, the Council shall, within one month after such vacation, at a special meeting to be holden for that purpose, select names of three or more fit persons, as defined by the said last mentioned indenture, to fill the said Peache Chair, and shall forthwith thereafter forward such names, with the appropriate testimonials and information relating thereto, to the Colonial and Continental Church Society.

"The said Society shall within one month from the receipt of such notification, approve of one of the names so forwarded, and appoint such nominee to the said Peache Chair, or reject such names and shall forthwith notify the Council of such their approval or rejection.

"Upon receiving notice of the rejection of the said nominees the Council shall in like manner, within one month from the receipt of such notice, at a special meeting to be holden for that purpose, select the names of the three or more other fit persons, as defined by the said indenture, to fill the said Peache Chair and shall forthwith thereafter forward such names, with

appropriate testimonials and information relating thereto, to the said Society.

"The said Society shall thereupon, within one month from the receipt of such last mentioned notification, either approve of one of the names so forwarded, and appoint such nominee to the said Peache Chair, or reject such names, and shall forthwith notify the Council of such their approval or rejection.

"In case of the rejection of such names similar procedure to that hereinbefore defined shall be adopted until the appointment to the said Peache Chair shall have been made by the said Society."

18. The Council shall cause the Trust Funds of the Institution, including all moneys from time to time not required to satisfy immediate claims, to be laid out and invested either in Government or municipal debentures, or in bank stock or in real securities in Canada, and the Council shall cause proper books of account to be kept that shall exhibit a true statement of the property, effects, income and expenditure of the Institution. See also Statutes of Canada, 26 Victoria, Chapter XXXI, 1863.

19. In the event of any gift or gifts being made to the Institution for professorships, lectureships, scholarships, exhibitions, prizes, or otherwise for its general purposes, or to trustees upon trust for all or any of the said objects, such endowments or gifts, if accepted, shall be appropriated according to the directions and conditions of the donor thereof, and, subject to such directions and conditions, it shall be lawful for the Council from time to time to make such rules and regulations as shall seem meet in relation to any such endowment or gift.

21. The Council may, out of the funds of the Institution, grant scholarships, bursaries, prizes and rewards to the students and pupils who shall distinguish themselves at their examinations, and may confer such certificates of honor and proficiency as they may think fit.

10. Any member of the Council may vacate his office by sending in his resignation in writing.

11. The members of the Council shall meet together at some place in or near the said City of London once or oftener in every three months and at such other times as they shall be duly convened by the President for the time being, ten days' notice of such convened meeting being given.

12. No business shall be transacted at any meeting of the Council unless five members be present.

13. All questions at the meeting of the Council shall be decided by a majority of the votes of the members present, but in case of an equality of votes, the maxim "presumitur pro negante" shall prevail.

14. The Chairman at meetings of the Council shall be entitled to vote on all questions, but he and each member of the Council shall only have one vote respectively.

15. The President shall preside at all meetings of the Council, and in his absence some one of the members present shall be elected Chairman, and the member so elected must preside.

16. In other respects, the Council shall be regulated, and its business conducted and decided upon according to the Rules and Orders to be by the Council from time to time adopted.

TENURE OF OFFICE AND POWERS OF THE PRINCIPAL

24. The educational department of the Institution shall be conducted under the management and control of a Principal, who shall be the Professor of Divinity in the said College, and who shall be furnished by the Council at the expenses of the College with a residence therein, and such Principal shall be, and continue to be, a clergyman of the United Church of England and Ireland, of strictly Protestant and Evangelical principles, and of approved learning, ability, piety and holiness of life, holding and continuing to hold, the doctrines of the said Church, as expressed in the thirty-nine Articles, interpreted in their plain and natural sense.

28. The Principal and Divinity Professor for the time being shall be removable from his office by the Council for misconduct or any cause which to the Council shall seem reasonable and proper, but not until after such removal shall have been decided upon by two successive meetings of the Council, specially summoned for the purpose, with an interval of at least one month between each meeting.

29. All subordinate servants necessary for said College shall be selected and appointed by the Principal, and shall be from time to time removable at his pleasure, but the number salaries or wages of such servants shall from time to time be subject to the control and regulations of the Council.

30. No person shall be capable of being appointed to any, or of continuing in any office in the Theological or Literary Department of the College or the Principalship, unless at the time of his election he shall be, and shall thereafter continue a person of known and approved piety, learning and ability, and a communicant of the United Church of England and Ireland, of strictly Protestant and Evangelical principles, nor unless he should hold the doctrines hereinbefore expressed; and if any person while holding such office in the Institution shall depart from the views of Christian faith and doctrine upon the profession of which he was appointed to his office in the Institution, such office shall thereupon become vacant; provided always that this provision shall not apply to any lecturer, professor or teacher of any Asiatic language, or to any occasional teacher of Hebrew or other languages, whose services may be deemed useful by the Principal or Council; but this exception shall not be construed to effect the power of removal at pleasure hereinbefore conferred.

31. The Principal, with the concurrence of the Council, may adopt and lay down such rules for the admission, examination, expulsion and suspension of students and pupils as may be deemed necessary and advisable.

32. The Principal, with the concurrence of the Council, may adopt a curriculum of study, to be pursued in the said College and in the Preparatory or Collegiate School, which may be established in connection with the said College, and may, from time to time, make such regulations touching such course of study as may be thought proper.

REMUNERATION OF PRINCIPAL

Clause 4, Deed of Endowment, provides that the interest, profits and dividends of the trust shall be paid to the occupant of the Peache Chair, but if the annual income shall exceed the sum of Two Thousand Dollars (in case it shall have been so agreed with the party then occupying the Peache Chair, prior to his appointment to the same) the surplus over and above Two Thousand Dollars per annum may be employed in various ways.

20. "The said Canadian Trustees shall, on or before the 15th day of January, in the year of our Lord, 1863, and yearly in the same month thereafter, render a statement and account

in writing of their receipts and disbursements in respect of the said funds and the general position of the same to the 31st day of December previous, to the governing body of the said Institution," and to the President of the English Trustees.

The By-Laws

1. The Council shall meet quarterly, at such time and place as the President, or in his absence, the Principal, or in the absence of both, the Secretary, may appoint.

2. Special meetings may be convened as the President may deem necessary, or upon the requisition of any three members of the Council. Notices for all meetings shall be sent to each member at least ten days before the time appointed.

3. Notices for special meetings shall specify the business to be brought forward.

4. No business shall be introduced at any special meeting in addition to that specified in the notice.

5. No business shall be proceeded with unless there be a quorum present within thirty minutes after the appointed time, but members present may declare the meeting adjourned.

6. The order of the proceedings shall be: 1st—The Secretary to read the minutes of the last meeting; 2nd—Letters received to be read; 3rd—Notices of by-laws and motions; 4th—Reports of Committees; 5th—General business; 6th—Discussions of motions and by-laws. But this order may be changed temporarily at any meeting on the vote of a majority.

7. All subjects for discussion shall be committed to writing, and shall be moved and seconded.

8. Any member may require the yeas and nays to be entered on the Minutes.

THE SECRETARY

1. It shall be the duty of the Secretary to keep accurate minutes and records of the meetings of the Council; to file all letters and documents belonging to it, and as often as books of record are completed to deposit the same in such a place as the Council may direct.

2. The Secretary, being the official medium of the Council, shall keep a list of all the names of the members; report vacancies, sign notices of meetings, and perform such other duties as may be assigned to him by the Council.

THE TREASURER

1. The Treasurer or Bursar shall immediately deposit all funds received by him for the Institution, in such Bank as shall be directed by the Corporation, and the amount thereof shall be kept in the name of "Huron College," and be drawn therefrom on cheques signed by the President, or, in his absence, by the Principal, and countersigned by the Bursar.

2. The Treasurer or Bursar shall keep an accurate account of all receipts and expenditures, and pay out of the funds on hand all orders approved by the Council, and all incidental expenses which may be approved either by the President or Principal, and he shall once a year, at the quarterly meeting of the Council held in or about the month of June, submit his accounts for the past year with the auditors' report on the same and at each of the other quarterly meetings during the year, the Bursar shall submit a statement of his receipts and disbursements from the date of the last quarterly meeting of the Council with his vouchers having reference to the same.

PROPERTIES AND FUNDS

1. The management of the property, and the investment, collection and application of the funds, shall be under the control of the Council.

2. All securities and properties shall be taken and held in the name of the Corporation, except the "Peache Fund," and any other fund that may be vested in special trustees by the donors.

3. The Council may from time to time borrow funds for the purpose of the College upon the security of a mortgage or mortgages of real estate or other property of the College.

4. There shall be a Finance Committee appointed by the Council, consisting of five members, of whom three shall form a quorum, whose duties shall include the inspection from time to time of the property with a view to repairs and improvements, the authorization of the payment of incidental expenses and such other duties as may be assigned to them by the Council.

The Finance Committee shall meet quarterly, some days before the regular meetings of the Council, and on such other times as they shall be called by the Chairman.

THE PRINCIPAL OF THE COLLEGE

1. It shall be the duty of the Principal to take care that the Rules, Regulations and By-laws regarding the internal economy of the College be faithfully observed; to enforce discipline; to preside over College exercises, and to have under his management all the internal affairs of the College, and to regulate the subordinate servants.

PROFESSORS AND OFFICERS OF THE COLLEGE

1. The Professors of the College shall constitute a Faculty of which the Principal shall be the Dean.

2. It shall be the duty of the Faculty to make such regulations as may be necessary for securing the full benefit of the prescribed courses of study.

3. The religious services in connection with the College shall be under the control of the Divinity Professor, subject, however, to the approval of the Bishop.

4. The Faculty shall enter in a book kept for the purpose, the name of every student; the date of his admission, and of his discontinuance with the reason therefor.

5. The Faculty shall have power to expel a student from the College for reasons which they may deem sufficient, but in case of a Divinity student, it shall be the duty of the Principal first to notify the Bishop of the Diocese to which he belongs. Any student thus expelled, shall have the right to appeal to the Council.

6. It shall be the duty of each Professor, not only to attend to the studies in his department, but to exercise a Christian concern for the religious character and advancement of the students of the College.

7. The Faculty shall keep a record of all their proceedings and shall report when called upon to the Council, the condition of the College.

8. Any officer of the Faculty may obtain leave of absence

not exceeding one month from the Principal, but for a longer period from the President only.

9. An annual examination shall be held before the commencement of the summer vacation which shall be conducted by persons appointed by the President.

REGULATIONS, BOARD OF INQUIRY

1. There shall be a Board of Inquiry, in addition to the Bishop and Principal, whose duty shall be to inquire into the financial standing of each student.

2. All applications for Bursaries shall be submitted to this Board for recommendation to the Council.

3. Applications for W. A. and S. P. C. K. grants will also be referred to this Board for inquiry.

BURSARIES

NOTE—In addition to the Boomer and Grey Scholarships, value respectively Senior Boomer $120.00, Junior Boomer $116.00, Grey $150.00, there is a fund consisting of the interest on about $6,000.00 which is available for grants.

The practice has been to give Bursaries amounting to the tuition fees, $45.00 per annum, but in some cases a smaller sum may be all that is necessary, and in other cases a larger grant may be desirable.

Birdland
London